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Governor Scott Walker  
Secretary Eloise Anderson

Division of Early Care and Education  
Bureau of Early Care Regulation

DATE: July 8, 2014

TO: Interested Parties

FROM: Mark E. Andrews, Director  
Bureau of Early Care Regulation

A handwritten signature in blue ink, appearing to read "Mark E. Andrews".

RE: **ANNUAL REPORT: CHILD CARE LICENSING AND CERTIFICATION  
ACTIVITY - JANUARY THROUGH DECEMBER 2013**

Each year, the Bureau of Early Care Regulation (BECR) shares statewide information from the previous calendar year on Wisconsin's licensed and certified child care centers. This report provides information on numbers of regulated child care centers, capacity, complaint and enforcement activity, caregiver background checks and frequently cited violations. I am also pleased to highlight some of the BECR accomplishments in 2013.

### **Continued Improvements to the Child Care Data System**

The Wisconsin Child Care Regulatory System (WISCCRS), launched in 2011, merged licensed program data with the Child Care Provider Certification (CCPC) database and YoungStar rating information. BECR continues to make enhancements to the WISCCRS system to improve the accuracy and completeness of the data on each licensed and certified provider. These enhancements, in turn, improve the data available to the public through the Regulated Child Care and YoungStar Public Search website, assuring more comprehensive and detailed information on monitoring, violations, enforcement, and correction plans of providers.

Visits to the public search website continue to increase each year as more people become aware of information on the site. During 2013, there were over 228,021 visits to the public search website. Each of these visits to the public search site resulted in 443,822 webpage views of child care centers, location maps and center information such as licensee name, hours of operation, capacity, YoungStar rating, compliance and noncompliance statements, correction plans, and enforcements. There was a 32 percent increase in visits to the public site during 2013 compared to 2012.

### **Nationwide Recognition**

Wisconsin continues to receive national recognition for its strong program requirements and oversight to ensure the health, safety and well-being of children. ChildCare Aware of America conducts regular surveys of states to evaluate and compare child care requirements across the nation. In ChildCare Aware's 2013 assessment of group child care, Wisconsin ranked as one of the top ten states in overall ranking (of the 50 states plus the District of Columbia and Department of Defense). Wisconsin was ranked fourth in the area of program requirements and seventh overall in combined program requirements and oversight. The report identified Wisconsin's strengths including strong administrative rules regarding provider training, health and safety standards, and the online availability of inspection and complaint reports.

## **Caregiver Background Checks**

The 2013 Wisconsin Act 20 created a new law requiring regulated child care providers receiving or planning to receive Wisconsin Shares payments to submit fingerprints for the purposes of a one-time federal and state criminal record search. In 2013, BECR began planning for the implementation of this new fingerprint requirement for new child care and day camp applicants. This requirement will later expand to currently certified and licensed child care providers, household members and employees.

## **Number and Capacity of Licensed Child Care Centers**

As of December 31, 2013, there were 4,384 licensed child care centers and day camps in Wisconsin. This compares to 4,549 licensed child care facilities at the end of 2012. This is a drop of over 3 percent in the total number of licensed child care centers in the state.

Of the 4,384 licensed centers, 2,323 are licensed group centers, 1,983 are licensed family centers and 78 are licensed day camps. The number of family child care centers dropped by over 6 percent between 2012 and 2013. There was little change in the number of group child care centers. Six day camps were added in 2013.

The total daytime capacity for all licensed care in 2013 was 158,829 and the total night-time capacity for all licensed care was 11,676. There was a slight drop (less than 1 percent) overall in daytime and nighttime capacity between 2012 and 2013. Total licensed capacity for family child care centers decreased by 5 percent between 2012 and 2013, while total licensed capacity for group child care centers remained about the same.

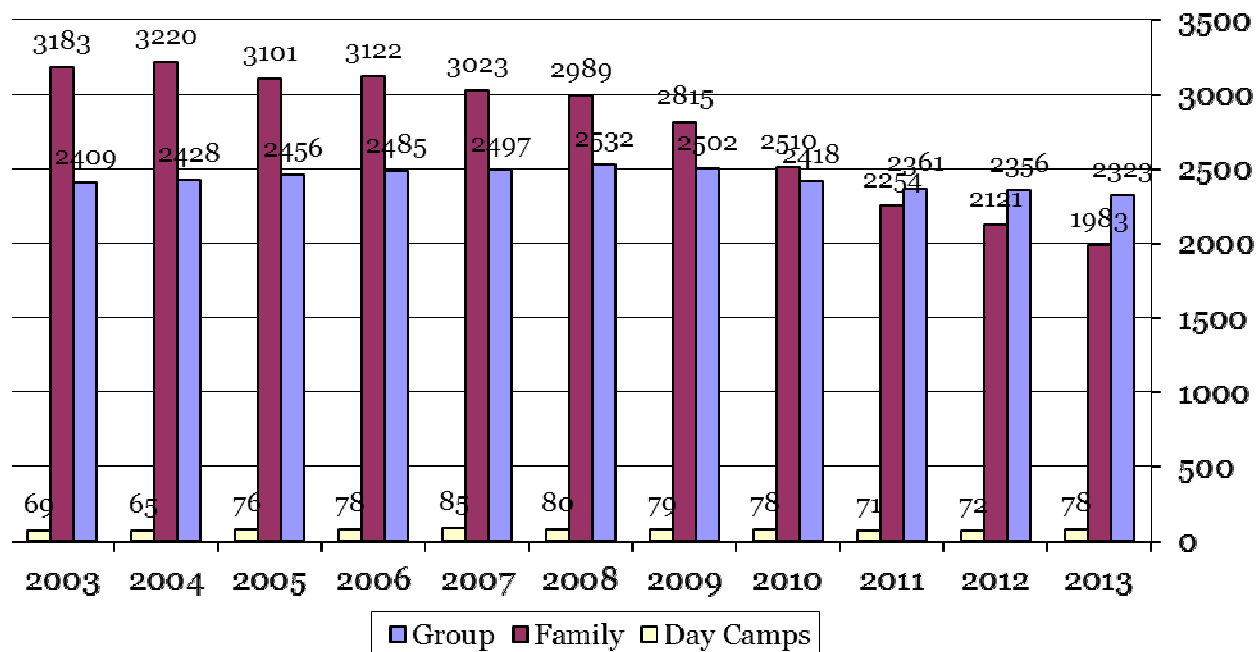
An estimated 226,771 children were served in licensed child care centers and day camps in 2013.

The chart below shows the number of licensed providers, capacity, and estimated enrolled children in 2013. The following graph shows the change over time in number of providers.

	Total No. of Providers	Total Daytime Capacity	Total Nighttime Capacity	Estimated Number of Enrolled Children*
Licensed Group	2,323	136,306	8,864	193,076
Licensed Family	1,983	15,699	2,812	24,619
Licensed Day Camps	78	6,824	0	9,075
TOTAL	4,384	158,829	11,676	226,771

*\*\*The estimated number of enrolled children in licensed care is calculated by multiplying licensed capacity by 1.33. Due to part-time care, licensed slots are often filled by more than one child.*

### Number of Licensed Group and Family Child Care Centers and Day Camps 2003 - 2013



### Monitoring of Licensed Centers

There are 57 BECR licensing specialists (54.05 full-time equivalent) responsible for monitoring licensed group and family child care centers and day camps. Each licensing specialist's caseload includes a mix of group and family centers and day camps. Throughout the year, BECR staff is involved in opening new and relocated licensed child care centers, closing licensed centers, and conducting routine monitoring of others. The Department contracts with Supporting Families Together Association (SFTA), a private, non-profit agency to provide start-up pre-licensing assistance to child care applicants.

BECR conducted 9,975 child care site visits in 2013 to monitor, provide technical assistance, verify compliance and conduct complaint investigations. This compares to 10,518 child care site visits in 2012. Of these child care on-site visits, 268 were conducted in unregulated child care locations, in response to allegations of unlicensed care.

Current caseloads average 78.43 child care centers per licensing specialist. In addition to 9,975 successfully completed visits, licensing specialists attempted an additional 531 visits to child care centers that could not be conducted for various reasons.

The following table shows the reasons for visits to child care centers in 2013.

<b>Purpose of the Visit</b>	<b>Number</b>
Complaint Regarding Licensed Center	1,044
Complaint Regarding Unlicensed Center	268
Enforcement Action Compliance Verification	192
Initial Licensing Study	594
License Amendment	105
Monitoring for Licensing	5,996
Pre-licensing Technical Assistance	57
Technical Assistance for Licensed Facility	387
Verification of CFS-294	1,332
<b>Total Number of Visits</b>	<b>9,975</b>

### **Licensing Complaints**

BECR received 1,077 complaints concerning licensed child care centers in 2013. This compares to 1,233 complaints in 2012, a decrease of over 12 percent between 2012 and 2013.

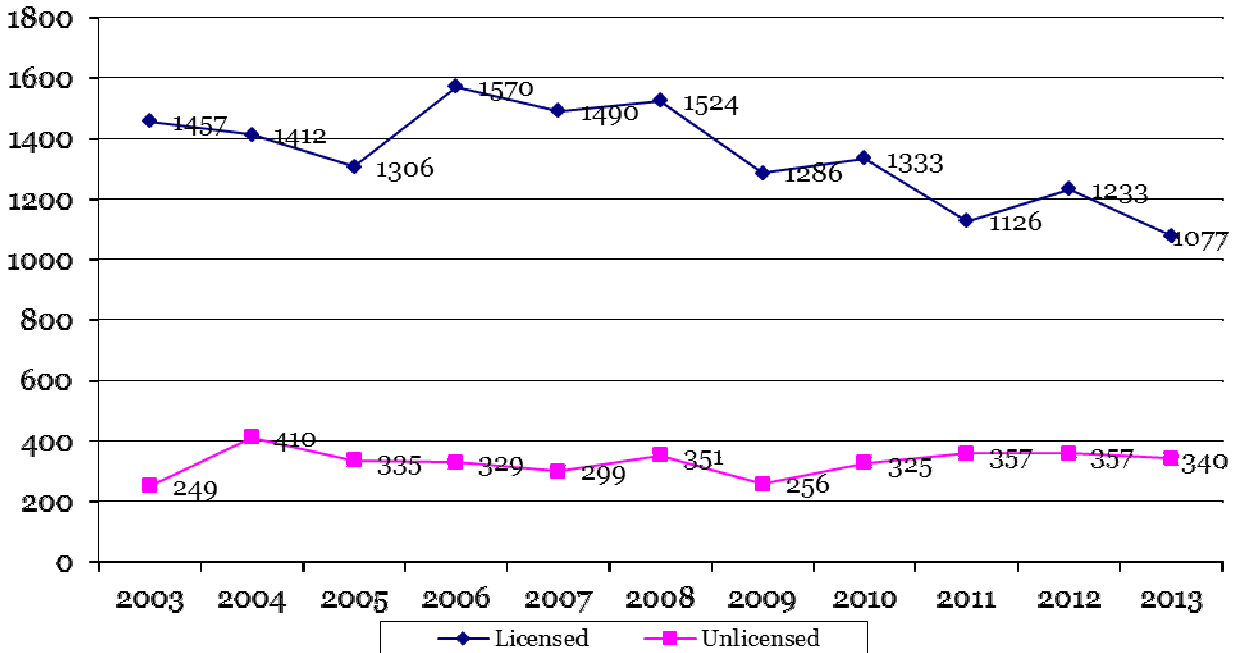
In 2013, 491 complaints regarding licensed child care were substantiated while 549 complaints were unsubstantiated. A complaint is considered substantiated when at least one of the allegations contained in the complaint is substantiated.

BECR received 340 complaints alleging unlicensed child care in 2013. There were 93 unlicensed complaints that were substantiated while 234 complaints were unsubstantiated.

The following two charts reflect the number of complaints and status of complaints for 2013 and the variation in number of complaints over time.

	<b>Received</b>	<b>Closed</b>	<b>Substantiated</b>	<b>Unsubstantiated</b>
<b>Licensed Complaints</b>	1,077	1,040	491	549
<b>Unlicensed Complaints</b>	340	327	93	234

### **Licensed and Unlicensed Complaint Investigation 2003 - 2013**



### **Enforcement Activity with Licensed Centers**

In 2013, there were 1,103 enforcement actions, compared to 1,340 enforcement actions in 2012. This is a 17 percent decrease in enforcement actions compared to 2012.

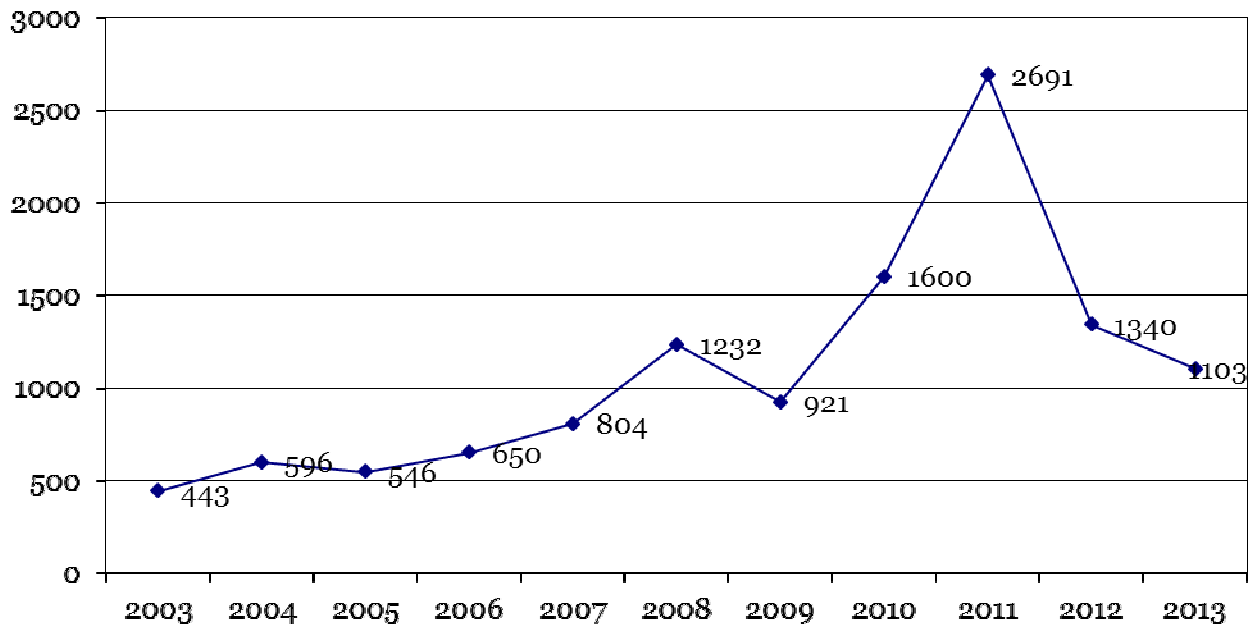
The most frequent actions in 2013 were warning letters (378), forfeitures (324) and orders (221).

The following charts show enforcement actions issued in 2013 and the change in number of enforcement actions over time.

### Enforcement Actions, Warning Letters and Stipulations – 2013

	<b>Total</b>	<b>Appealed</b>	<b>Upheld</b>	<b>Withdrew</b>	<b>Stipulated Agreement</b>	<b>Not Upheld</b>
Denial DHS-12	5	4	0	0	1	0
Denial Other	16	10	2	2	3	1
Denial - Tax	0	0	0	0	0	0
Direct Forfeiture	205	16	3	3	3	0
Forfeiture	119	4	0	0	2	1
Orders	221	6	1	0	2	0
Stop Operating Orders	67	1	0	0	0	0
Revocation DHS-12 -Pending Charges	1	1	0	0	1	0
Revocation Other	24	18	1	1	11	0
Revocation DHS-12	3	3	0	0	1	0
Revocation -Tax	8	0	0	0	0	0
Stipulation	31	0	0	0	0	0
Summary Suspension	1	1	1	0	0	1
Warning Letter	378	0	0	0	0	0
Warning Letter No Access	0	0	0	0	0	0
Second Probationary License Due to Noncompliance	28	0	0	0	0	0
<b>TOTAL</b>	<b>1103</b>	<b>61</b>	<b>8</b>	<b>6</b>	<b>24</b>	<b>3</b>

### Number of Licensed Child Care Enforcements 2003 - 2013



*Warning Letters issued to licensees for failing to submit an annual Background Information Disclosure form, a new statutory requirement at that time, caused the significant spike in 2011.*

### Most Frequently Cited Licensed Child Care Rule Violations

The total number of violations cited in licensed family child care in 2013 was 9,404. The total number of violations cited in group child care in 2013 was 22,258.

**Attachment A** provides a listing of the twenty most frequently cited licensed child care rule violations in family and group centers.

In 2013, the top five most frequently cited rule violations in **licensed family child care centers** were violations related to the following:

- Compliance with Laws;
- Current, Accurate Daily Attendance Record;
- Child Record – Enrollment & Health History Forms;
- Access to Materials Potentially Harmful to Children;
- Staff File – Days, Hours Worked;

In 2013, the top five most frequently cited rule violations in **licensed group child care centers** were violations related to the following:

- Compliance with Laws;
- Child Tracking Procedure;
- Current, Accurate Daily Attendance Record;

Access to Materials Potentially Harmful to Children;  
Child Record – Enrollment Information.

The citation of Compliance with Laws covers those statutes that a child care licensee must be in compliance with but are not yet included in revised administrative rules, such as annual Background Information Disclosure submittal and vehicle alarm requirements.

### **Number and Capacity of Certified Child Care Centers**

As of December 31, 2013, there were 1,474 certified family providers and nine certified school age programs. This is nearly a 15 percent decrease in certified providers compared to 2012. An estimated 9,408 children were served in certified child care in 2013.

The following table shows the number and capacity of certified child care centers and estimated number of children enrolled in certified care in 2013.

	Total No. of Providers	Total Daytime Capacity	Total Nighttime Capacity	Estimated Number of Enrolled Children
Certified Family	1,474	Up to 6 Children	Up to 6 Children	8,826*
Certified School Age	9	438	Not Applicable	582**

*\*The estimated number of enrolled children in certified family care is calculated by multiplying the number of providers by 6.*

*\*\*The estimated number of enrolled children in certified school age care is calculated by multiplying capacity by 1.33. Due to part-time care, slots are often filled by more than one child.*

### **Monitoring of Certified Child Care Centers**

Monitoring of certified family child care and certified school age care is conducted by certifiers employed by the counties, tribes, subcontracted agencies and the Milwaukee Early Care Administration.

Certifiers conducted 3,175 visits to certified centers in 2013 to monitor, provide technical assistance, verify compliance and conduct complaint investigations. All certified providers must be visited once every two years in order to renew their certification and all certification agencies completed this required visit to certified providers during the 2011 – 2013 period. Seventy eight of the certification agencies conducted more than one required visit to certified providers during the two-year time period, with nine agencies completing three or more visits during the two-year period.



In addition to 3,175 successfully completed visits, certifiers made 673 attempted visits to certified centers.

The following table shows the reasons for visits made to certified child care centers in 2013.

<b>Purpose of the Visit</b>	<b>Number</b>
Annual Visit/Monitoring/294 Verification/Other	1,992
Complaint Visit	89
Expired Re-Certification Visit	34
Initial Provider Visit	437
Re-Certification Visit	483
Relocation Visit	65
Technical Assistance Visit	75
<b>TOTAL</b>	<b>3,175</b>

### **Caregiver Background Checks**

During 2013, the BECR Caregiver Background Unit (CBU) completed 11,086 Department of Justice background checks and 80 FBI checks. In addition, the BECR CBU fielded 2,592 phone inquiries related to background checks, nearly doubling the number of calls fielded in 2012.

In 2013, BECR staff processed 8,029 Background Information Disclosure forms from 4,352 licensed child care facilities.

In addition to crimes that bar an individual from being in child care, the Department has identified additional criminal offenses that may be of concern and require follow-up by BECR staff or certifying agencies. The barred crimes and additional offenses of concern are matched against results from annual Wisconsin Department of Justice criminal record and Department of Health Services Integrated Background Information System checks conducted on all licensees and adult household members. In addition, the Department conducts an automated monthly match for individuals in the child care regulation system with records contained in the Wisconsin Circuit Court database (CCAP) and child abuse and neglect database. Addresses of licensed and certified child care programs are checked monthly against the National Sex Offender Registry.

In 2013, the automated matching process resulted in BECR staff reviewing 363 offenses; including 34 potential barred offenses, 197 offenses that may be substantially related to the care of children, 128 that may be substantially related to the operations of business, two findings of child abuse or neglect, and two city or county ordinance offenses that may be of concern.

Certifying agencies reviewed 472 offenses in 2013, which included 24 potentially barred offenses, 291 offenses that may be substantially related to the care of children and 157 potentially related to the operation of a business.

Cc: Eloise Anderson, Secretary, Department of Children and Families  
Ron Hunt, Deputy Secretary, Department of Children and Families  
Sara Buschman, Assistant Deputy Secretary, Department of Children and Families  
Randall Keys, Chief Legal Counsel, Department of Children and Families  
Judy Norman-Nunnery, Administrator, Division of Early Care and Education  
Jill Chase, Deputy Administrator, Division of Early Care and Education  
Robert Williams, Director, Bureau of Program Integrity  
David Timmerman, Director, Bureau of Operations and Planning  
Holly Davis, Director, Bureau of Milwaukee Early Care Administration  
Kathy McGurk, Director, Bureau of Early Learning and Policy  
Regional Licensing Chiefs, Bureau of Early Care Regulation

Attachment

## Attachment A

### **Twenty Most Frequently Cited Family Child Care Violations – 2013**

<b>Violation</b>	<b>Description</b>	<b>Total</b>
250.04(2)(a)	COMPLIANCE WITH LAWS	773
250.04(6)(b)	CURRENT, ACCURATE DAILY ATTENDANCE RECORD	498
250.04(6)(a)1.	CHILD RECORD - ENROLLMENT & HEALTH HISTORY FORMS	432
250.06(2)(c)	ACCESS TO MATERIALS POTENTIALLY HARMFUL TO CHILDREN	343
250.04(5)(d)	STAFF FILE - DAYS, HOURS WORKED	290
250.06(3)	PRACTICE OF WRITTEN EMERGENCY PLANS	256
250.06(4)(a)	SMOKE DETECTORS	243
250.07(6)(L)1.	HEALTH EXAM - CHILD UNDER AGE 2	240
250.11(5)(b)	CONTINUATION LICENSE - APPLICATION MATERIALS SUBMISSION DATE	226
250.04(6)(a)4.	CHILD RECORD - IMMUNIZATION HISTORY, PHYSICAL EXAM	217
250.07(6)(L)2.	HEALTH EXAM - CHILD AGE OVER AGE 2	213
250.04(8)(b)	BIENNIAL TRAINING - CHILD ABUSE & NEGLECT	208
250.06(5)	PREMISES, FURNISHINGS, EQUIPMENT - CONDITION & REPAIR	200
250.06(2)(a)	ELECTRICAL OR HOT SURFACE PROTECTION	183
250.06(2)(e)	POTENTIAL SOURCE OF HARM ON PREMISES	170
250.05(3)(L)	PROCEDURE - NUMBER, NAMES, WHEREABOUTS KNOWN AT ALL TIMES	133
250.05(1)(b)4.	PROVIDER TRAINING - CONTINUING EDUCATION	121
250.06(2)(k)	DETERIORATING OR TOXIC PAINT	119
250.04(6)(c)	MEDICAL LOG BOOK - MAINTENANCE	110
250.04(6)(a)3.	CHILD RECORD - ALTERNATE ARRIVAL / RELEASE AGREEMENT	106

**Twenty Most Frequently Cited Group Child Care Violations – 2013**

<b>Violation</b>	<b>Description</b>	<b>Total</b>
250.04(2)(a)	COMPLIANCE WITH LAWS	615
250.04(6)(b)	CURRENT, ACCURATE DAILY ATTENDANCE RECORD	609
250.04(6)(a)1.	CHILD RECORD - ENROLLMENT & HEALTH HISTORY FORMS	562
250.06(2)(c)	ACCESS TO MATERIALS POTENTIALLY HARMFUL TO CHILDREN	412
250.04(5)(d)	STAFF FILE - DAYS, HOURS WORKED	384
250.06(3)	PRACTICE OF WRITTEN EMERGENCY PLANS	293
250.06(4)(a)	SMOKE DETECTORS	274
250.07(6)(L)1.	HEALTH EXAM - CHILD UNDER AGE 2	269
250.11(5)(b)	CONTINUATION LICENSE - APPLICATION MATERIALS SUBMISSION DATE	189
250.04(6)(a)4.	CHILD RECORD - IMMUNIZATION HISTORY, PHYSICAL EXAM	253
250.07(6)(L)2.	HEALTH EXAM - CHILD AGE OVER AGE 2	230
250.04(8)(b)	BIENNIAL TRAINING - CHILD ABUSE & NEGLECT	226
250.06(5)	PREMISES, FURNISHINGS, EQUIPMENT - CONDITION & REPAIR	264
250.06(2)(a)	ELECTRICAL OR HOT SURFACE PROTECTION	275
250.06(2)(e)	POTENTIAL SOURCE OF HARM ON PREMISES	236
250.05(3)(L)	PROCEDURE - NUMBER, NAMES, WHEREABOUTS KNOWN AT ALL TIMES	201
250.05(1)(b)4.	PROVIDER TRAINING - CONTINUING EDUCATION	153
250.06(2)(k)	DETERIORATING OR TOXIC PAINT	211
250.04(6)(c)	MEDICAL LOG BOOK - MAINTENANCE	153
250.04(6)(a)3.	CHILD RECORD - ALTERNATE ARRIVAL / RELEASE AGREEMENT	109